

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	) Chapter 11
	)
Kiebler Recreation, LLC,	) Case No. 10-15099
	)
Debtor.	) Honorable Randolph Baxter

**NOTICE OF APPEARANCE AND  
REQUEST FOR SERVICE OF NOTICES AND DOCUMENTS**

**PLEASE TAKE NOTICE** that Pepsi Beverages Company (“Pepsi”) hereby appears by its counsel, Joseph D. Frank and Frank/Gecker LLP; such counsel hereby enters his appearance pursuant to Section 1109(b) of Title 11 of the United States Code (the “Bankruptcy Code”) and Rule 9010(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”); and such counsel hereby requests, pursuant to Bankruptcy Rules 2002, 3017 and 9007 and Sections 342 and 1109(b) of the Bankruptcy Code, that copies of all notices and pleadings given or filed in the above-captioned case be given and served upon the following person at the following address, telephone number, facsimile number and email address:

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**PLEASE TAKE FURTHER NOTICE** that, pursuant to Section 1109(b) of the Bankruptcy Code, the foregoing demand includes not only the notices and papers referred to in the Bankruptcy Rules and sections of the Bankruptcy Code specified above, but also includes, without limitation, any notice, application, complaint, demand, motion, petition, pleading or request, whether formal or informal, written or oral, and whether transmitted or conveyed by

mail, delivery, telephone, telegraph, telex or otherwise filed or made with regard to the above-captioned case and proceedings therein.

This Notice of Appearance and Request for Service of Notices and Documents shall not be deemed or construed to be a waiver of the right of Pepsi (i) to have final orders in non-core matters entered only after *de novo* review by a District Court Judge; (ii) to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case; (iii) to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal; (iv) to contest the jurisdiction of this Court over Pepsi; or (v) of any other rights, claims, actions, setoffs, or recoupments to which Pepsi may be entitled, in law or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments Pepsi expressly reserves.

Dated: June 16, 2010

Respectfully submitted,

/s/ Joseph D. Frank

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## **CERTIFICATE OF SERVICE**

I, Joseph D. Frank, an attorney, state that on **June 16, 2010**, a copy of the foregoing **Notice of Appearance and Request for Service of Notices and Documents** was filed electronically. Notice of this filing will be sent to all parties listed on the attached Electronic Mail Notice List by operation of the Court's CM/ECF system. In addition, copies were served via first class U.S. mail, proper postage prepaid, upon the parties listed below:

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### **Proposed Counsel for Official Committee of**

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By: /s/ Joseph D. Frank

## Mailing Information for Case 10-15099-rb

### Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case.

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